

Item of business :

Crimes Legislation (Stalking and Harassment) Amendment Bill

Submission name :

Catholic Women's League Aotearoa New Zealand (CWLANZ)

Comments

We support that Stalking / Harrassment are included in the Crimes Act 1961 alongside other violent offences as this makes it easier for police/law to prosecute offenders.

The new section 216P sets out the types of behaviour that causes fear or distress to a victim. Types of stalking should be future proofed to include potential future technology. A specified act may be done by or through any means whatsoever.

Any act done to a third -party individual who is in a family relationship with the intended victim, or through the victim's workplace or organisation with or without the victim's knowledge, done with the intention of harming the victim or their reputation should be considered as a stalking offence.

We support 216Q punishment by imprisonment for a term not exceeding 5 years. An offender can defend the charge by proving that they engaged in that behaviour for a lawful purpose, with a reasonable excuse ,or in the public interest.

Amendments to the Arms Act 1983 to disqualify persons convicted of stalking in the previous 10 years from holding a firearms licence. While awaiting conviction the person should not be allowed to hold a firearm for the safety of the victim and their family.

Psychological abuse should include stalking under the Family Violence Act 2018.

The Evidence Act 2006 should be amended to prevent self- represented defenders charged with the new offence from being able to personally cross examine alleged victims.

The sentencing Act 2002 to be amended to allow restraining orders and action when restrainin g orders are breached.

Recommendations

The bill defines illegal stalking as a minimum of 3 stalking acts within 12 months.

Internationally, 2 acts is sufficient and we agree with this lesser number of acts. Instead of 12 months it should be illegal within *any time frame*.

The Bill needs to state that the courts must consider one or more rehabilitation pathways for the offender. This would help prevent reoccurrence of stalking.

The Bill requires the stalker "knows" their acts will likely cause fear or distress. The wording should be changed to "the stalker knows or ought to know" this would cause distress to a "reasonable person" rather than an actual victim. This will make it harder for a stalker to avoid accountability by pretending not to know their acts are likely to cause a victim distress.

Police are able to warn orally/or in writing a stalker after one instance of stalking behaviour. Police may also arrest a stalker if the criteria for illegal stalking has been met.

The victim needs to be advised and the victim's views taken into account so that by warning the offender, the victim feels safer, rather than further at risk.